

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AUGUST CABRERA, *et al.*,

Plaintiffs-Appellees,

K.E.F.V., *by and through her next friend*
Hortense Vickers,

Plaintiff-Appellant,

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant-Appellee.

No. 23-7076

STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court's Order of June 21, 2023, Plaintiff-Appellant K.E.F.V., by and through her next friend Hortense Vickers, submits this nonbinding statement of issues to be raised in this case.

In the Order under review,¹ the District Court entered final judgment as to a subset of the plaintiffs involved in this action, awarding damages to the other plaintiffs covered by the Order but dismissing Plaintiff-Appellant's claims under 28 U.S.C. § 1605A(c)'s private cause of action, holding that she lacked standing to

¹ Order, *Cabrera v. Islamic Republic of Iran*, No. 1:19-cv-3835 (JDB) (D.D.C. May 16, 2023), Dkt. 138 ("Order").

pursue her claim. *See* Order at 4. Under Federal Rule of Civil Procedure 54(b), the Court thus entered a final judgment as to one or more, but fewer than all, parties to the underlying case. *Id.* The claims of other plaintiffs remain pending in the District Court.

The issue to be raised on appeal is: Whether a plaintiff who was *in utero* at the time of a terrorist attack on her immediate family member has standing to bring a claim for solatium damages under the private cause of action in the terrorism exception to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c).

Dated: July 21, 2023

Respectfully submitted,

/s/ Joshua D. Branson

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Counsel for Plaintiff-Appellant

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

/s/ Joshua D. Branson
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